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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 27996-133
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	First Named Inventor <u>Peter Tavernese Jr.</u>	
	Art Unit <u>2614</u>	Examiner <u>Nguyen, Quynh H.</u>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the	
<input type="checkbox"/> applicant/inventor.	Signature
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>Boris A. Matvenko, Reg. No. 48,165</u>
	Typed or printed name
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,165</u>	<u>(212) 935-3000</u>
	Telephone number
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>September 2, 2008</u>
	Date

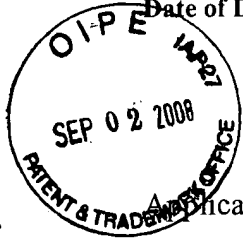
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<input checked="" type="checkbox"/> *Total of <u>6</u> forms are submitted.

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Date of Deposit: September 2, 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Peter Tavernese Jr.

Examiner: Nguyen, Quynh H.

Serial No.: 09/745,305

Group Art Unit: 2642

Filed: December 21, 2000

Confirmation No: 2060

**Title: CUSTOMER SERVICE RESPONSE SYSTEM FOR INTERACTION WITH
CUSTOMER SERVICE AGENTS****MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

The final rejections under 35 U.S.C. § 103(a) set forth in the Final Office Action mailed May 2, 2008 are improper at least because, *inter alia*, the cited art fails to disclose or suggest the features set forth in independent Claim 1 of, *inter alia*, a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to said calling party, a graphical user interface (GUI) electrically coupled to said CSRS and configured to receive and display information from said CSRS, wherein said information received from said CSRS originates from said calling party, and wherein via a soft-key or graphical button, said GUI is configured to selectively initiate another message being sent from said CSRS to said calling party. The cited art also fails to disclose or suggest similar features of independent claims 16 and 27-28.

By way of a background, the present application relates to customer service response systems. Some embodiments of the present invention are directed to a customer service response system which enables a customer service agent to selectively automate a portion of the response. (Specification, Page 1, lines 5-7). The present invention provides an ability to simultaneously communicate with multiple customers. (Specification, Page 2, lines 9-10). Some embodiments of the present invention include a call center that has a customer service response system ("CSRS") capable of responding to an incoming telephone call from a calling party by playing a message to the calling party and a graphical user interface ("GUI") in electrical communication with the

CSRS. The GUI is configured to receive and display information from the CSRS. The information received from the CSRS originates from the calling party. (Specification, Page 2, lines 11-15).

In contrast, U.S. Patent No. 6,687,241 to Goss (hereinafter, "Goss") discloses an enterprise contact server that enables customers to submit call-back request to agents located at any one of a plurality of call centers via the Internet or any other communications technology available. (Goss, Abstract). Goss includes an Enterprise Voice Response Unit ("VRU") having an Interactive Voice Response ("IVR") system with a separate voice link associated with Goss's call center system. (Goss, Col. 4, lines 47-51). If the customer calls over the PSTN in to the call center, the call is routed to any ACD at any call center, then the ACD routes the call to the VRU that is able to collect information from the caller. (Goss, Col. 7, lines 22-31 and Col. 4, lines 54-55). Prior to forwarding calls to a specific VRU (based on a number dialed, for example), Goss uses a dialed number, ANI, time of day, day of week, and load balancing algorithms information to determine which VRU to route the calls to. (Goss, Col. 10, lines 34-39). This information is not provided by the caller, but instead, **it is provided by a telephone company**. (emphasis supplied). Once the information has been received from the telephone company by Goss's call center, the call center selects an appropriate VRU to route the call to, which then sends a request to a router to select a particular qualified agent to handle the call. (Goss, Col. 10, line 44 to Col. 11, line 17). Once, the agent is selected, the VRU forwards a call data that includes data for routing the call and data pertaining to the caller or service (e.g., bill payer ID, customer account data, caller-selected options). (Goss, Col. 11, lines 6-17).

U.S. Patent No. 5,526,417 to Dezonno (hereinafter, "Dezonno") relates to an automatic call distributor ("ACD") with an automated **post-conversation** message system. (Dezonno, Abstract). (emphasis supplied). Dezonno includes a central processing unit ("CPU") that is programmed to initiate the playing of post-conversation voice messages in the voice of the agent handling the call in response to the agent **terminating** the call selectively actuating soft keys at the agent set. (Dezonno, Col. 8, lines 2-6). (emphasis supplied). Additionally, Dezonno distinguishes and teaches away from use of pre-conversation messages being sent to callers by stating that

Disadvantageously, these known preannouncement systems require a telephonic call between the customer and agent to be connected while the greeting message

is being played. Such preannouncement systems **do not** significantly **increase the overall call servicing efficiency** since the agent must be connected to the call while the prerecorded greeting is being played. Therefore, the agent is restricted from servicing other calls during the playing period of the preconversation greeting. (emphasis supplied). (Dezonno, Col. 2, lines 19-27).

In the Final Office Action, dated May 2, 2008, the Examiner stated that Goss discloses all elements of the claims except that Goss “do[es] not specifically teach via a soft-key or graphical button of the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.” (Final Office Action, pages 2-3). The Examiner states that Dezonno teaches this element. The Examiner states that:

[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dezonno into the teachings of Goss for the purpose of reducing the conversation handling time of the agent or operator so that the agent is available to take subsequent incoming calls which are waiting in queue for the agent service, which also reduces the holding time a customer waiting for an agent since the agent does not need to repeat farewell messages, as discussed by Dezonno (col. 7, lines 37-46). This also maintains agent’s professionalism and energetic voice throughout the day, especially towards the end of the day when agents are tired. (Final Office Action, pages 2-3).

The Examiner further alleged that

...Dezonno teaches both pre-conversation messages (col. 2, lines 13-19) and post-conversation messages (col. 8, lines 2-6; col. 7, lines 6-10) (Final Office Action, page 6).

In the July 17, 2008 Advisory Action, the Examiner stated that:

...The feature of actuating a soft-key to selectively initiate another message (“postconversation voice messages”) being sent from the CSRS to the calling party in Dezonno does not teach away the teachings of Goss or in anyway destroy the teachings of Goss. (Advisory Action, page 2).

Applicants respectfully disagree with the Section 103 rejections. The combination of Goss and Dezonno fails to disclose, teach or suggest a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, and a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1. Specifically, in Goss, components other than the IVR system

(e.g., ACD, etc.) in Goss answer inbound calls or request for contact, but fail to play a message to the calling party, contrary to the recitation of claim 1. Goss's data access points ("DAP 125"), located outside the call center (Goss, Fig. 1) answer the call prior to forwarding it to the VRU that makes a determination to which agent the call should be forwarded. (Goss, FIGS. 4a-c; Col. 10, lines 30-44). (emphasis supplied). Hence, Goss does not respond to an incoming telephone call from a calling party by playing a message to the calling party. Additionally, as stated above, the information received from the call center does not originate from the calling party, but instead comes from the telephone network, e.g., PSTN. (emphasis supplied).

Dezonno does not cure the deficiencies of Goss. In Dezonno, agents use a soft key to terminate the call rather than send "another message" to the calling party. (emphasis supplied). Upon terminating the call, Dezonno's CPU sends a "goodbye" message to the caller. To improve their call handling capabilities, Dezonno's agents always use soft keys to terminate calls and as such Dezonno's CPU always sends a "goodbye" message to callers, rather than selectively initiate another message. (emphasis supplied). As such, neither Goss, Dezonno, nor their combination disclose, teach, or suggest all elements of claim 1.

Further, there is no motivation or suggestion to combine Goss and Dezonno. Goss does not seek to shorten call handling time, but instead seeks to locate a qualified agent to handle customer's request for call back or inbound call. Further, Goss is concerned with pre-agent or pre-live conversation aspects of customer-call-center communications. (emphasis supplied). Dezonno, on the other hand, is concerned with call termination aspects of the customer-call-center communications and shortening call handling times. (emphasis supplied). Additionally, Dezonno explicitly disclaims or teaches away from the use of pre-live contact messages, as they work against Dezonno's purposes. (Dezonno, Col. 2, lines 19-27). Thus, Goss and Dezonno deal with two completely different stages of a call - (1) beginning of a call (Goss) and (2) end of a call (Dezonno). Goss seeks to find the most qualified agent to handle the call, which clearly involves spending additional time with the caller prior to connecting the caller to the agent. (emphasis supplied). On the contrary, Dezonno seeks to shorten the time an agent spends with a caller by terminating the live contact with the caller prior to the agent saying goodbye. Hence, one having ordinary skill in the art would not look to Dezonno to solve the deficiencies of Goss, as they are directed to solving vastly different problems. As such, there is no motivation or suggestion to combine Goss and Dezonno, contrary to the Examiner's suggestion.

Thus, Goss and Dezonno do not disclose all elements of the present invention, there is no motivation or suggestion to combine the references, and the improper combination of the Goss and Dezonno fails to realize the present invention. Hence, the rejection of claim 1 is improper.

In view of the foregoing, it is respectfully requested that the Section 103 rejections of independent Claims 1, 16, 27-28 and the corresponding dependent claims be withdrawn.¹

¹ Applicant reserves the right to provide additional reasons why the claims are patentable over the references of record at a later stage, if necessary.